

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	<b>8:12CR243</b>
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>AARON J. CLARK,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion to extend time for filing pretrial motions and continue trial by defendant Aaron J. Clark (Clark) (Filing No. 20). Clark seeks to file pretrial motions out of time and a continuance of the trial of this matter which is scheduled for November 6, 2012. Clark was previously represented by First Assistant Federal Public Defender Shannon P. O'Connor. On October 5, 2012, this matter was set for trial before Chief Judge Laurie Smith Camp on November 6, 2012. Mr. Stoler filed his appearance on October 17, 2012, after the expiration of the pretrial motion deadline fixed in the progression order. Mr. O'Connor did not deem it appropriate to file any pretrial motions or seek an extension of the pretrial motion deadline. Mr. Stoler has not set forth any cogent reason to extend the pretrial motion deadline. Such request will be denied. However, since Mr. Stoler recently assumed the defense of the case, the court will grant a reasonable continuance of the trial.

**IT IS ORDERED:**

1. Clark's motion to extend the pretrial motion deadline (Filing No. 20 - Part 1) is denied.
2. Clark's motion to continue trial (Filing No. 20 - Part 2) is granted as set forth herein. Trial of this matter is re-scheduled for **December 11, 2012**, before Chief Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 17, 2012, and December 11, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 17th day of October, 2012.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge